

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

_____	)	
LABELSDOLLARS, CORP.,	)	
	)	
Plaintiff/Counterclaim Defendant,	)	C.A. No. 06-594 (JJF)
	)	
v.	)	
	)	
PREMARK FEG, L.L.C.,	)	<b>JURY TRIAL DEMANDED</b>
	)	
Defendant/Counterclaim Plaintiff.	)	
_____	)	

RULE 16 SCHEDULING ORDER

The parties having satisfied their obligations under  
Fed. R. Civ. P. 26(f),

IT IS ORDERED that:

1. **Pre-Discovery Disclosures.** The parties will  
exchange by January 25, 2008 the information required by Fed. R.  
Civ. P. 26(a)(1) and D. Del. LR 16.2.

2. **Joinder of Other Parties.** All motions to join  
other parties shall be filed on or before April 21, 2008.

3. **Discovery.**

(a) Exchange and completion of contention  
interrogatories, identification of fact witnesses and document  
production shall be commenced so as to be completed by April 11,  
2008. All fact discovery, excluding expert reports and  
depositions, shall be completed by August 31, 2008.

(b) Maximum of 25 interrogatories, including contention interrogatories, for each side.

(c) Maximum of 40 requests for admission by each side.

(d) Maximum of 10 depositions by plaintiff and 10 by defendant, excluding expert depositions. Depositions shall not commence until the discovery required by Paragraph 3(a, b and c) is completed.

(e) Reports from retained experts required by Fed. R. Civ. P. 26(a)(2) are due from the plaintiff by September 15, 2008; from the defendant by October 15, 2008.

(f) Any party desiring to depose an expert witness shall notice and complete said deposition no later than thirty (30) days from receipt of said expert's report, unless otherwise agreed in writing by the parties or ordered by the Court.

#### 4. Non-Case Dispositive Motions.

(a) Any non-case dispositive motion, along with an Opening Brief, shall be filed with a Notice of Motion. The Notice of Motion shall indicate the date on which the movant seeks to have the motion heard. The date selected shall be within 30 days of the filing of the motion and allow or briefing in accordance with the Federal and Local Rules. Available motion

dates will be posted on the Court's website at [www.ded.uscourts.gov](http://www.ded.uscourts.gov).

(b) At the motion hearing, each side will be allocated twenty (20) minutes to argue and respond to questions from the Court.

(c) Upon filing of the Notice of Motion, a copy of said Notice shall be sent to Chambers by-email at: [jjf\\_civil@ded.uscourts.gov](mailto:jjf_civil@ded.uscourts.gov)

5. **Amendment of the Pleadings.** All motions to amend the pleadings shall be filed on or before May 30, 2008.

6. **Case Dispositive Motions.** Any case dispositive motions, pursuant to the Federal Rules of Civil Procedure, shall be served and filed with an opening brief on or before November 15, 2008. Answering briefs shall be filed and served on or before December 15, 2008, and reply briefs shall be filed and served on or before January 15, 2009. No case dispositive motion may be filed more than ten (10) days from the above date without leave of the Court. The Court will issue a separate Order regarding procedures for filing summary judgment motions.

7. **Markman.** A Markman Hearing will be scheduled by the Court in July 2008. Briefing on the claim construction issues shall be completed at least ten (10) business days prior to the hearing. The Court, after reviewing the briefing, will allocate time to the parties for the hearing.

8. Applications by Motion.

(a) Any applications to the Court shall be by written motion filed with the Clerk of the Court in compliance with the Federal Rules of Civil Procedure and the Local Rules of Civil Practice for the United States District Court for the District of Delaware (Amended Effective January 1, 1995). Any non-dispositive motion shall contain the statement required by D. Del. LR 7.1.1 and be made in accordance with the Court's December 15, 2006 Order on Procedures for Filing Non-dispositive motions in Patent Cases. Parties may file stipulated and unopposed Orders with the Clerk of the Court for the Court's review and signing. The Court will not consider applications and requests submitted by letter or in a form other than a motion.

(b) No facsimile transmissions will be accepted.

(c) No telephone calls shall be made to Chambers.

(d) Any party with a true emergency matter requiring the assistance of the Court shall e-mail Chambers at: jjf\_civil@ded.uscourts.gov. The e-mail shall provide a short statement describing the emergency.

9. Pretrial Conference and Trial. After reviewing the parties' Proposed Scheduling Order, the Court will schedule a Pretrial Conference.

The Court will determine whether the trial date should be scheduled when the Scheduling Order is entered or at the

Pretrial Conference. If scheduling of the trial date is deferred until the Pretrial Conference, the parties and counsel shall anticipate and prepare for a trial to be held within sixty (60) to ninety (90) days of the Pretrial Conference.

December 25, 2007  
DATE

Joseph J. Faurot  
UNITED STATES DISTRICT JUDGE